

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

Daniel C. Waller

Plaintiff,

Civil Case No. 2:15-cv-13305

Hon.: David M. Lawson

vs.

Tia Von Patton-Moore, Ramona Vincent,
Quanta Milledge-Benjamin, Maria Rosada,
Crinisha Hall, Angela Calloway
and Robert Cain

Defendants.

Daniel C. Waller Jr.
4710 Julius Blvd
Westland MI 48130
321-443-3825
In Pro Se

Detroit Public Schools
Office of the General Counsel
Phyllis Hurks-Hill (P48809)
Attorneys for Defendants Tia Von Patton-
Moore, Ramona Vincent, Quanta Milledge-
Benjamin, Maria Rosada, Angela Calloway
and Robert Cain
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**DEFENDANTS TIA VON PATTON-MOORE, RAMONA VINCENT,
QUANTA MILLEDGE-BENJAMIN, MARIA ROSADA, ANGELA
CALLOWAY AND ROBERT CAIN'S ANSWER TO PLAINTIFF'S
AMENDED COMPLAINT AND AFFIRMATIVE DEFENSES**

NOW COME DEFENDANTS Tia Von Patton-Moore, Ramona
Vincent, Quanta Milledge-Benjamin, Maria Rosada, Angela Calloway and

Robert Cain (“Defendants”), by and through their undersigned attorneys, and in answer to Plaintiff’s Amended Complaint state as follows:

PARTIES

1. Defendants neither admit nor deny the statements set forth in this paragraph because they call for a legal conclusion.
2. Defendants neither admit nor deny the allegations set forth in this paragraph for lack of sufficient knowledge or information to form a belief, and therefore leave Plaintiff to his proofs.
3. Defendants neither admit nor deny the allegations set forth in this paragraph because the paragraph is blank. Notwithstanding the foregoing, Defendants can be contacted through the Office of the General Counsel at 3011 West Grand Boulevard, Suite 1002, Detroit, MI 48202. Defendants deny this allegation because it is untrue. Defendants did not engage in any alleged acts of discrimination against Plaintiff.
4. Defendants deny this allegation because it is untrue. Defendants did not engage in any alleged acts of discrimination against Plaintiff at the stated address or anywhere else.
5. Defendants deny this allegation because it is untrue. Defendants did not engage in any alleged acts of discrimination against Plaintiff.
6. Defendants neither admit nor deny the allegations set forth in this

paragraph because the paragraph is blank

7. Admitted.

~~8. Defendants neither admit nor deny the allegations set forth in this paragraph for lack of sufficient knowledge or information to form a belief, and therefore leave Plaintiff to his proofs.~~

9. Defendants neither admit nor deny the allegations set forth in this paragraph because they state legal conclusions for which no answer is required.

10. Defendants deny the allegations set forth in this paragraph because the allegations are untrue.

11. Defendants admit that a copy of Plaintiff's Equal Employment Opportunity Commission Complaint was attached, however deny the statements contained therein.

WHEREFORE, Defendants respectfully requests that this Court deny Plaintiff the relief sought and dismiss Plaintiff's Complaint in its entirety with prejudice and award Defendants their costs and attorney fees incurred in defense of this action.

AFFIRMATIVE DEFENSES

Further answering Plaintiff's Amended Complaint, and by way of affirmative defenses, Defendants will rely upon the following defenses, if

applicable and supported by facts. Defendants reserve the right to amend these defenses, and to delete defenses if appropriate.

1. Plaintiff has failed to state claims upon which relief can be granted.

2. Plaintiff claims may be barred because his employment was covered by a collective bargaining agreement which precludes him from bringing these claims.

3. Plaintiff's claims may be barred, in whole or in part, by his failure to mitigate damages, if any.

4. Plaintiff's claims may be barred, in whole or in part, by the applicable statute of limitations, doctrines of waiver, consent, estoppel, res judicata, unclean hands and/or laches.

5. Plaintiff may have failed to join in his Complaint every party and/or claim arising out of the transaction or occurrence that is the subject matter of this action.

6. Defendants' actions were not a proximate cause, or cause in fact, of any alleged injuries to the Plaintiff.

7. Plaintiff's purported damages against these Defendants are purely speculative and without legal basis, and therefore, are not compensable.

8. Defendants' conduct, if any, toward Plaintiff was taken for legitimate reasons and not because of Plaintiffs' gender, race, class, religious affiliation or other prohibited status.

9. Defendants Tia Von Patton-Moore, Ramona Vincent, Quanta Milledge-Benjamin, Maria Rosada, Angela Calloway and Robert Cain may not be proper parties to this action.

10. Plaintiff's Complaint may be subject to dismissal, in whole or in part on the basis of immunity under federal law, and Defendants assert same.

11. Defendants had no actual or constructive notice of the alleged misconduct.

12. Defendants were not deliberately indifferent to the alleged misconduct.

13. Defendants reserve the right to amend their Answer to add additional or other affirmative defenses, or to delete or withdraw affirmative defenses, or to add counterclaims or cross claims as may become necessary.

14. Plaintiff's claims are barred because of his failure to exhaust administrative or other remedies or to satisfy jurisdictional requirements.

15. Plaintiff's claims are barred by the doctrines of collateral estoppel and/or res judicata.

Respectfully Submitted,

s/Phyllis L. Hurks-Hill

PHYLLIS HURKS-HILL (P48809)

Attorney for Defendants Moore-Patton,
Vincent, Milledge-Benjamin, Rosada,
Calloway and Cain

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October 29, 2015

CERTIFICATE OF SERVICE

I hereby certify that on October 29, 2015, I electronically filed the

foregoing paper with the Clerk of the Court using the ECF system and by
U.S. mail to Plaintiff.

s/Phyllis L. Hurks-Hill
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